IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25156 of 2004

Between:

Smt. D. Bhagyamma, S/o D. Rama Subbadu,
Manchalakatta Village, Gadivemula Mandal,

Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Gadivemula Mandal,

Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in proceedings Rc.E.1254/2004 dt. 21-12-2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

Petitioner was appointed as a fair price shop dealer. She was issued a show cause notice, dated 25.11.2004, directing her to show cause as to why action shall not be taken against her on the charges mentioned therein. Petitioner submitted her explanation on 14.12.2004. On a consideration of the same, 2nd respondent passed an order, dated 21.12.2004 suspending the authorization of the petitioner. Aggrieved thereby, she filed an appeal before the 1st respondent together with an application for stay. The 1st respondent is said to have rejected the application for stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

In the show cause notice issued to the petitioner as many as five charges were mentioned. Important among them is that the certificate evidencing educational qualifications furnished by the petitioner is not genuine and that the petitioner is employed as instructor in the Early Child Education Center. The other charges are in relation to maintenance of records etc. On a consideration of the explanation submitted by the petitioner, the 2nd respondent took the view that the same is not convincing. Though the suspension is ordered after issuance of show cause notice, from the record it is evident that further enquiry is yet to be undertaken and the suspension is imposed not as a measure of substantive penalty.

Petitioner had already availed the remedy of appeal. The 1st respondent is said to have rejected the application for stay. It is difficult for this Court to re-appreciate the same, at this stage. The 1st respondent would be in a better position to examine the

matter after he receives the record. Any undue delay in disposal of the appeal may defeat the very purpose of filing it.

Hence, taking the totality of the circumstances into account, the writ petition is disposed of directing that the 1st respondent shall pass appropriate orders in the appeal preferred by the petitioner, as early as possible, and not later than four weeks from the date of receipt of a copy of this order. No order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 19-01-2005

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To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Gadivemula Mandal,

Kurnool District.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies.